

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-220493

**DATE:** October 17, 1985

**MATTER OF:** Industrial Disposal Systems, Inc.

**DIGEST:**

1. GAO does not review affirmative determination of responsibility unless protester shows that determination may have been made fraudulently or that definitive responsibility criteria in the solicitation were not met.
2. Solicitation requirement that bidder be regularly established in rubbish hauling business is not definitive responsibility criterion.

Industrial Disposal Systems, Inc. (IDS), protests against an award of a contract to Durrah Corporation (Durrah) under solicitation No. 541-20-86, issued as a small business labor surplus area set-aside by the Veterans Administration (VA) for hauling rubbish from the VA hospital in Brecksville, Ohio.

IDS points out that the solicitation requires that bidders be regularly established in the business. IDS contends that Durrah does not satisfy this requirement. Also, IDS contends that Durrah, if awarded the contract, will subcontract a substantial portion of the work to a firm that is not a small business.

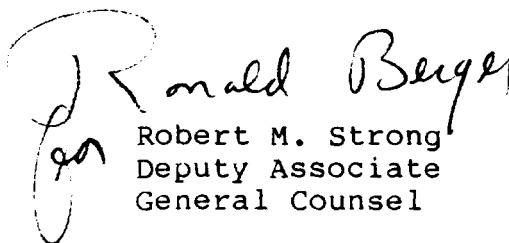
The protest is dismissed.

IDS's contention that Durrah does not satisfy the requirement that bidders be regularly established in the rubbish hauling business is a challenge to Durrah's responsibility. Our Office does not review an agency's affirmative determination of a bidder's responsibility unless the protester shows either that the determination may have been made fraudulently or that definitive responsibility criteria in the solicitation were not met. Rolen-Rolen-Roberts International et al., B-218424, et al., Aug. 1, 1985, 85-2 C.P.D. ¶ 113. Neither exception applies here. IDS does not

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allege fraud. Further, the requirement that a bidder be regularly established in the business is not a definitive responsibility criterion. Rolen-Rolen-Roberts International et al., B-218424 et al., supra.

Moreover, once the contract is awarded, compliance with contract requirements is a matter of contract administration and is the responsibility of the procuring agency rather than our Office. Mann Rental Service, B-216868, Oct. 31, 1984, 84-2 C.P.D. ¶ 493. In any event, we note that subcontracting with a large business firm under a service contract set aside for small business is not legally objectionable. Mann Rental Service, B-216868, supra.

  
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